

REMARKS

In this amendment, no claims are added or cancelled. Accordingly, claims 5-13, 15, 17 and 21-24 are pending.

In the Office Action, claims 5-10, 15, 17 and 21-24 were rejected under 35 U.S.C. §102(b) as anticipated by Chesney, U.S. Patent No. 6,544,188 (hereinafter Chesney). This rejection is respectfully traversed.

Applicants respectfully assert that the Office Action fails to establish a *prima facie* case of anticipation under 35 U.S.C. §102. It is well established that a reference must disclose, within its four corners, each and every limitation of a claim in order for the reference to support an anticipation rejection. Here, Chesney fails to disclose several limitations of claim 5. For example, claim 5 is directed to a tourniquet article. A tourniquet is defined as a device used to stop temporarily the flow of blood through a large artery in a limb. Chesney does not disclose a tourniquet. In contrast, Chesney is directed to a pulse pressure sensor. It does not stop blood flow through any artery. Rather, sensor base feet 260 of Chesney allow for measurements to be made such that the radial artery is not compressed or obstructed. Col 9, lines 4-7. Thus, the structure of Chesney prevents it from being a tourniquet and, as such, claim 5 cannot be anticipated by Chesney. It follows that claim 5 is properly allowable.

Claim 6 further defines the handle of claim 5 defining it as a rod including notches disposed at first and second end portions. Chesney's device does not include a handle. The Office Action asserts that element 227 is a rod and element 228 are

notches. This interpretation is not supported by Chesney's disclosure. As referenced in Chesney, element 227 is a post to which used to attach to strap 250. Col 10 line 1. Elements 228 are not part of element 227. Accordingly, there is simply no support for the assertion that element 227 is a rod and that slots 228 are notches that are part of the rod as required by claim 6. Accordingly, Chesney does not anticipate claim 6.

Turning to claim 9, it depends from claim 5 and further defines the base as being substantially rigid and includes a layered composite having a lower layer comprised of one of a non-skid fabric, a non-slip fabric and a looped end Velcro. The Office Action asserts that element 256 is a looped end Velcro. Chesney provides no support for this assertion. First, element 256 is not part of the base as required by claim 9 but is part of the strap 250. Second, element 256 is a plastic loop and not a composite layer. Accordingly, claim 9 cannot be anticipated by Chesney.

Claims 7, 8, 10, 15, 17 which depend from claim 5 are allowable for the reasons articulated above regarding claim 5.

Turning to claim 22 it is directed to a tourniquet article including an elongated handle and a substantially rigid base underlying the elongated handle. Chesney fails to disclose such a tourniquet and the Office Action fails to identify where the claimed limitations can be found in Chesney. That is, base 271 of Chesney does not underlie any handle because Chesney does not include a handle. Accordingly, claim 22 is not anticipated by Chesney and is properly allowable.

Claim 23 is also directed to a tourniquet article and recites the elongated handle limitation. Accordingly, claim 23 is likewise properly allowable as Chesney fails to disclose a tourniquet having an elongated handle. Dependent claim 24 is likewise properly allowable.

Claims 11-13 were rejected under 35 U.S.C. § 103(a) as unpatentable over Chesney. This rejection is respectfully traversed.

The shortcomings of Chesney are discussed above. Chesney does not teach or suggest a tourniquet article having a base comprising a multi-layered structure as required by claims 11-13. In fact, Chesney teaches away from a tourniquet because rather than stopping blood flow, Chesny's device requires blood flow in order to obtain blood pressure measurements. See Col 7., lines 15-27. It follows that the subject matter of claims 11-13 would not have been obvious to the skilled artisan and that claims 11-13 are properly allowable.

In view of the foregoing amendments and remarks, it is asserted that the

Atty. Docket No. 610.0002

PATENT

Amdt. Dated May 5, 2008

Appl. No. 10/830,144

Reply to Office Action dated December 4, 2007

application is in condition for allowance. Reconsideration of the rejection and a favorable action on the merits are respectfully requested.

Respectfully submitted,
CAHN & SAMUELS, L.L.P.

By: /Frederick Samuels/
Frederick N. Samuels, Reg. No. 34,715
1100 17th St., NW, Ste. 401
Washington, D.C. 20036
Telephone: (202) 331-8777
Fax: (202) 331-3838
Frederick.samuels@cahnsamuels.com

May 5, 2008